

No. 11(112)-80-3Lab./9086.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Bector Castings (India), Sector 24, Faridabad :—

IN THE COURT OF SHRI I.P. CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD.

Reference No. 231 of 1980.

between

SHRI SHIVJI MANDAL, WORKMAN AND THE MANAGEMENT OF M/S. BECTOR CASTINGS (INDIA),
SECTOR 24, FARIDABAD

Present:—

None for the workman.

Shri D.S. Rai, partner of the management.

AWARD

This reference No. 231 of 1980 has been referred to this court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/121-80/20434, dated 30th April, 1980, under section 10(1)(c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Shivji Mandal, workman and the management of M/s. Bector Castings (India), Sector 24, Faridabad. The term of the reference was:—

“Whether the termination of services of Shri Shivji Mandal, was justified and in order? If not, to what relief is he entitled?”

After receiving this reference notices were issued to both the parties for 19th June, 1980. On the 19th June, 1980, the case was called at 12.50 p.m., but none was present on behalf of the workman and I had to proceed *ex-parte* against the workman and the case was fixed for the *ex-parte* evidence of the management for 24th June, 1980.

On 24th June, 1980, the *ex-parte* evidence of the management was recorded. The management produced Shri D.S. Rai, Partner of the respondent company its sole witness. He stated on oath that the concerned workman had tendered his resignation voluntarily which was duly accepted by the management which is Ex. M. 1. He further stated that the workman had duly taken or received his full and final payment of his outstanding dues. He executed the receipt voucher of this amount which is Ex. M. 2 which were placed on the file.

In view of the un-rebutted *ex-parte* evidence produced by the management, I am left with no choice except to believe the version of the management. Over and above this my finding get support from the absention of the workman in the proceedings in this court with this reference. I feel that the workman had settled his dispute with the respondent management and it is held that the reference is bad, as no claim is made out of the workman against the management. Therefore, I give my award accordingly. No order as to costs. This may be read in answer of this reference.

Dated 15th July, 1980.

I. P. CHAUDHRY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 1139, dated 16th July, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above-said award may pleased be acknowledged within week's time.

I. P. CHAUDHRY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.